

From: Melvin Henderson-Rubio
To: Microsoft ATR
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Subject: Microsoft Settlement

For the record, I need to state that I am a long-term Microsoft employee (over 15 yrs). Obviously, I have been aware of the current case filed by the DOJ and number of states as well as the settlement reached with DOJ and several states.

It goes without saying that I have never fully grasped the justification for the case nor similar cases filed earlier along the same grounds. I am well aware that our competitors have been and will continue to use the legal system and public option to try and accomplish what they have failed to in the marketplace, develop and market some of the best software in the industry.

As taxpayer, not only in my residing state of Washington (which I'm glad to see our Attorney General opted not to join in on the case) and as a US tax payer, I fail to understand what the DOJ and states see as the benefit to consumers and the use tax dollars to fund such investigation, beyond a reasonable review. What did and what do these states really think they are doing to assist their citizens? As a consumer, if I do not want Microsoft products pre-installed on my system, I can remove them and replace with other products. Similar to what happens when I purchase a car. If I do not like the radio I pay purchase one after market and the same goes for wheels or tires. There is a huge after-market for these items. Similarly there are options in the high-tech industry, but the vast majority of consumers are okay with an "industry standard." Currently it's Microsoft, in the early days of the pc, it was Apple, and someday it will be someone else. If you look at history, first it was the Chinese, Greeks and Egyptians, then French, Dutch, Spanish and British who ruled the world. In recent times, the Russians and now the US. History takes care of things.

As a consumer and watching the growth of the pc industry for more than 15 years, Microsoft along with industry partners such as: Intel and major pc companies (including Apple to some degree) have done more to stimulate the pc industry and economy overall than any other sequence of innovations in US or for that matter, contemporary world economy. I equate that Microsoft (along with Intel) has done for the pc and high tech industry what McDonald's has and continues to do for the "fast-food" industry; Disney for the concept of amusements and family entrainment; Starbucks for the coffee industry and CNN for 24 Hour News.

Yes, Microsoft has been extremely aggressive when it comes to getting it's product into the marketplace, but not any more than a sports franchise looking to win the Super Bowl or NBA Title. Just imagine had the DOJ and states outside of Illinois and/or Texas and California opted

to oppose the Bulls, Cowboys or 49'ers from winning as many world titles as they have.

It should not be the role of the government to pick and choose winners and losers, nor overly support the lobbying efforts by competitors to try and level the marketplace. Over the years Microsoft has seen numerous opportunities and markets to pursue and set clear-cut objectives to enter those markets. I do not recall Microsoft asking the DOJ or various states Attorney Generals to keep displace or slow-down the efforts of: Lotus (1-2-3) or Word-Perfect or other industry leaders. Microsoft has not always been successful, there was Microsoft Bob and the failed merge with Quicken. Numerous current Microsoft and industry standards took several attempts, such as: MS-DOS; Microsoft Windows to become industry standards; the Microsoft Mouse was major undertaking and the Microsoft Office Suite took years to become the standard.

As a consumer, I can go into any store and with Microsoft Windows being the world-wide standard; I have 10's of thousands of applications, games and accessories to choose from. Prior to Microsoft becoming the standard (pre-Ms-DOS days), there were no where near the selection. Each app or game had a few choices, because developers and distributors did not know or what to risk developing and distributing for an operating system that might not be well received. Microsoft has without a doubt created and huge high-tech industry (again, long with key partners such as Intel) and stimulated the US economy more than any other company in US history.

It is somewhat ironic that a number, if not most of our competitors usually solely develop and support their applications to the Microsoft Windows standard. The vast majority of their developers use the Microsoft Windows standard, so do their techs support folks and sales and marketing forces. Without such a dominate operating system, our competitors would have to decided and divide their resources into 2-3 different focus areas. The same applies and more so related to the development of independent applications and services.

Not agreeing in the first place the lawsuit has merit, I am in agreement with the proposed settlement. Students and teachers, especially in lower-income areas will need to make sure they are prepared and able to compete in the marketplace as well as various careers. For the foreseeable future, Microsoft products and services will remain the world-wide industry standard (that is not to say that some other company will not displace Microsoft).

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